

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RONALD ELIZONDO SR. and MARIA
ELIZONDO, individually and as the
lawful heirs of the ESTATE OF
RONALD ELIZONDO JR., *Plaintiffs*,

v.

DONALD HINOTE, TEXAS
DEPARTMENT OF PUBLIC SAFETY,
CITY OF CORPUS CHRISTI,
LORRAINE MATTHEWS, NUECES
COUNTY, MARK GONZALEZ,
ANGELICA HERNANDEZ,
MICHELLE PUTMAN, SHARRA
RODRIGUEZ, and RODNEY
HERNANDEZ, *Defendants*.

Civil Action No. 2:20-cv-00191

UNOPPOSED MOTION FOR ENTRY OF PARTIAL FINAL JUDGMENT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COME Defendants Nueces County, Mark Gonzalez, Angelica Hernandez, Michelle Putman, Sharra Rodriguez, the City of Corpus Christi, Lorraine Matthews, Texas Department of Public Safety (“DPS”) and Sergeant Rodney Hernandez (collectively referred to herein as “Dismissed Defendants”), in the above-styled and numbered civil action, and file this Unopposed Motion for Entry of Partial Final Judgment pursuant to Federal Rule of Civil Procedure 54(b), and respectfully show the following:

I. GROUND

Rule of Civil Procedure 54(b) allows the Court to “direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the Court expressly determines that there is no just reason for delay.” FED. R. CIV. P. 54(b).

On May 6, 2022, Magistrate Judge Hampton issued her Memorandum and Recommendation (“M&R”) addressing all Defendants’ motions to dismiss. (D.E. 191). The M&R recommended dismissing Defendant DPS based on immunity (*id.* at p. 27), and all claims against all other parties for lack of standing, except a single remaining claim against Defendant Hinote individually. (*Id.* at pp. 27-28).

On August 9, 2022, the Court accepted the M&R and dismissed all claims against all parties, except a single remaining claim against Defendant Hinote individually. *See* Order Accepting Memorandum and Recommendation (D.E. 130, pp. 9-10). Accordingly, all claims against all Dismissed Defendants have been dismissed. *Id.* As to Dismissed Defendants, all other pending motions were denied as moot. *Id.* No purpose is served by having Dismissed Defendants remain as parties to this suit.

Thus, there is no just reason for delay in entering final judgment in favor of the Dismissed Defendants.

II. CERTIFICATE OF CONFERENCE

On August 10, 2022, counsel for Nueces County sent an email to all counsel asking whether there was any opposition to the filing of a motion for entry of final judgment pursuant to Rule 54(b). Counsel for each Dismissed Defendant responded with their desire to join in this motion. On August 19, Counsel for Plaintiffs indicated that this motion is not opposed.

III. SUMMARY AND PRAYER

For the reasons stated above, Dismissed Defendants ask that the Court, acting under Rule of Civil Procedure 54(b), expressly determine that there is no just reason for delay and direct entry

of final judgment on the claims against them.

Dated: August 22, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on August 22, 2022, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non- registered participants.

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